

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

ANDRE BISASOR,
Plaintiff

Vs.

CASE NO.: 1:23-CV-00374-JL

CRAIG DONAIS, RUSSELL HILLIARD,
DONAIS LAW OFFICES PLLC,
UPTON AND HATFIELD LLP and
MARY K. DONAIS,
Defendants

**DEFENDANTS CRAIG S. DONAIS, MARY K. DONAIS AND DONAIS LAW OFFICES
PLLC’S OBJECTION TO PLAINTIFF’S
MOTION TO DECLARE CHOICE OF LAW AND TO INSTRUCT THE PARTIES TO
SEPARATELY BRIEF THIS MATTER (DOC. 112)**

NOW COME the Defendants Craig S. Donais, Mary K. Donais, and Donais Law Offices PLLC (jointly the “Donais Defendants”) and object to Plaintiff Andre Bisasor’s (“Plaintiff”) Motion to Declare Choice of Law and to Instruct the Parties to Separately Brief this Matter (Doc. 112) (“Plaintiff’s Motion”). The Donais Defendants object, stating as follows:

First, the Donais Defendants note that while Plaintiff has moved to declare choice of law and to instruct the parties to separately brief this matter, he seeks, in part, an order by the court to “stay deadlines to oppose the motion to dismiss.” (Doc. 112, ¶ 16.) This request is moot, as on 11/20/23, Plaintiff refiled his objection. (See Doc. 118.) On 11/27/23, the Donais Defendants timely filed their reply to this objection. (Doc. 124.) The Donais Defendants further note that Plaintiff separately has moved to strike the motion to dismiss in two separate motions (Doc. 113 and 117).

The Donais Defendants further state that this Court need not decide choice of law issues prior to addressing their motion to dismiss or prior to Plaintiff’s filing any objection to their motion. On the contrary, it would be inefficient to do so, requiring the court to analyze Plaintiff’s First Amended Complaint and argument by the parties on the law that applies and then analyzing the grounds upon

which the Donais Defendants seek dismissal. Here, the Donais Defendants submit that New Hampshire substantive law applies to the underlying conduct giving rise to Plaintiff's claims while Massachusetts law, including the Massachusetts Anti-SLAPP statute, applies to the procedural aspects of Plaintiff's originally filing this action in Massachusetts state court to the extent permitted under the Erie doctrine (case law cited by the Donais Defendants in another of their filings specifically holds that the Erie doctrine permits this court's consideration of state Anti-SLAPP statutes). To the extent Plaintiff disagrees, as evidenced by his objection, the Donais Defendants have provided a conflicts of law analysis within the 10-page limit for replies. (See Doc. 124.) No separate briefing is required or advance decision on the law to be applied is necessary.

As such, Craig S. Donais, Mary K. Donais and Donais Law Offices PLLC, respectfully request:

- A. That this Court deny the Plaintiff's Motion; and
- B. Grant such other and further relief as is equitable and just.

Respectfully submitted,

FOR THE DEFENDANTS,
CRAIG DONAIS, DONAIS LAW OFFICES
PLLC and MARY K. DONAIS

/s/ Linda M. Smith

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing **OBJECTION** to all parties in this action by serving same via electronic mail to:

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Date: November 29, 2023

/s/ Linda M. Smith
Linda M. Smith